

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF DANBURY CELLULAR)	
TELEPHONE CO. D/B/A CELLULAR)	
ONE/UNITED BLUEGRASS CELLULAR CORP.)	
FOR ISSUANCE OF A CERTIFICATE OF)	CASE NO. 92-159
PUBLIC CONVENIENCE AND NECESSITY TO)	
CONSTRUCT A CELL SITE IN MONTGOMERY)	
COUNTY, KENTUCKY, AND FOR ANY OTHER)	
NECESSARY APPROVAL)	

O R D E R

On April 10, 1992, Danbury Cellular Telephone Co. d/b/a Cellular One/United Bluegrass Cellular Corp. ("Danbury") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a cellular radio telecommunications tower for the Rural Service Area No. 8 ("RSA No. 8"), which includes Bath, Bracken, Fleming, Lewis, Mason, Menifee, Montgomery, Nicholas, Robertson and Rowan counties in Kentucky. Danbury has requested authorization to construct a cell site in Montgomery County. Danbury was previously granted authority to operate a cellular telecommunications system in RSA No. 8 in Case No. 91-443.¹

¹ Case No. 91-443, The Joint Application of Danbury Cellular Telephone Co. and Petry Television, Inc. for Approval of the Transfer of Jurisdictional Assets and Liabilities of Petry Television, Inc. to Danbury Cellular Telephone Co. and of Related Financing Transactions.

The proposed cell site consists of a 185 foot guyed antenna tower to be located on the west side of Highway 11, approximately 2.3 miles south of Mount Sterling, Kentucky - North Latitude 38° 01' 26" by West Longitude 83° 57' 08" (the "Mount Sterling Site").

Danbury has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the cell site. Based upon the application, the tower and foundation design appear to meet the criteria of the Building Officials and Code Administrators International, Inc. ("BOCA") National Building Code, with reference to earthquakes, winds and tornadoes.

Pursuant to KRS 100.324(1), the proposed cell site's construction is exempt from local zoning ordinances. However, Danbury has contacted the Montgomery County Judge/Executive to inform him of its proposed tower location. Danbury filed a minor amendment with the Federal Communications Commission ("FCC") on March 18, 1992, which is still pending. This correspondence amends the application filed by the original owner, Petry Television, to reflect Danbury as the current owner. The Federal Aviation Administration has determined that the tower is not of sufficient height to be regulated. The Kentucky Airport Zoning Commission's approval is included in Danbury's filing.

On April 9, 1992, Danbury notified each resident/property owner within 500 feet of the proposed cell site. The notice solicited comments from the residents and property owners and informed them of their right to intervene. No comments or requests to intervene were received by the Commission.

In accordance with the Commission's Order, services provided by Danbury within RSA No. 8 will be governed by its currently effective tariff.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, HEREBY ORDERS that:

1. Danbury be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate a 185 foot guyed antenna tower at the Mount Sterling Site. The coordinates for the Mount Sterling site are North Latitude 38° 01' 26" by West Longitude 83° 57' 08".

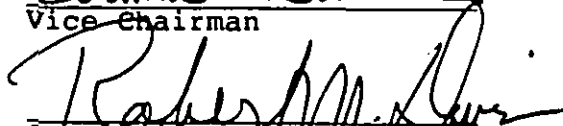
2. Danbury shall file a copy of the final decision regarding its pending FCC minor amendment, within 10 days of receiving this decision.

Done at Frankfort, Kentucky, this 1st day of June, 1992.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director, Acting